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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,697	06/20/2006	Georg Curtius	2003P01777W0US	3523

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

WALDBAUM, SAMUEL A

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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06/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 22, 2009 have been fully considered but they are not persuasive.
2. The applicant first address the issue of provisional rejection of double patenting between the current application and 10/583636. These argument are not convincing. Both applications deal with a water level sensor and if it is a wash or rinse fluid is irrelevant, the scope of the claims overlap for the level sensor. Therefore this rejection is maintained.
3. The applicant address the objection to the drawings. The objection to claims 16, 18 and 19 are withdrawn and claim 1 with respect to the washing container. However the objection to the drawing with respect to claim 1 in regards to the subject mater of fluid carrier and the structure of the introduction of the cleaning agent is maintained.
4. The rejection of the claim 11 under 112 for new matter is hereby withdrawn.
5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
6. '153 teaches using multiple capacitance level sensor (see rejection for citation) and '606 teaches using only one set of capacitance probes to determine multiple height (see rejection for citation) thus reducing the number of sensor needed.
7. Applicant is arguing that the prior art does not teach the limitations of claim 15. The prior art teaches that the electronic components are located outside the container ('606 col. 5,

lines 1-col. 6, line 69) thus having a surface protected by the container and that the sensor surface that is located within the fluid is protected by a surface other than the wall of the container (col. 5, lines 50-69) since the claim limitation only requires that the sensor surface is protected by **selecting one** of a wall of the washing container and a structure other than the wall of the container.

8. The applicant further argues that the prior art does not teach the limitations of claim 16, these arguments are not convincing. The prior art clearly teaches the limitations of claim 16, see rejection for citation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 6:20-3:50, F 6:30-10:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./
Examiner, Art Unit 1792